



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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January 28, 2014

Diking District #3  
c/o David Olson  
PO Box 324  
Conway, WA 98238

RE: Requested Amendment to Administrative Order #6321 for U.S. Army Corps of Engineers  
Reference #NWS-2008-1093-NO, Drainage Maintenance Diking District #3 Project,  
Carpenter Creek, Sandy Creek, Johnson Creek, Fisher Creek, Hill Ditch, Fisher Slough,  
and Artificial Drainage Watercourses, Skagit County, Washington

Dear Mr. Olson:

Enclosed is an amendment to the Water Quality Certification issued on January 29, 2009, for the above project.

The purpose of this amendment is to respond to the January 27, 2014 request from Diking District #3 to change the expiration date of the Order to align with the U.S. Army Corps of Engineers authorization, September 24, 2014.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Erik Stockdale, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

ES:rrp  
Enclosure

By certified mail 7011 0470 0003 3720 7813

cc: Randel Perry, U.S. Army Corps of Engineers  
Brian Williams, Washington Department of Fish and Wildlife  
David Brock, Washington Department of Fish and Wildlife  
Brandon Roozen, Western Washington Agricultural Association  
Tom Sibley, NOAA Fisheries  
Steve Hinton, Skagit River System Cooperative  
Stan Walsh, Skagit River System Cooperative

e-cc: Paul Anderson – NWRO  
Mak Kaufman – BFO  
Doug Allen – BFO  
Loree' Randall – HQ  
Raman Iyer – NWRO  
Ernie Roque [ernie@haygrass.com](mailto:ernie@haygrass.com)  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

<b>IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Diking District #3</b> in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	) <b>ORDER #6321 First Amendment</b> ) <b>Corps Reference No. NWS-2008-1093-NO</b> ) <b>Drainage Maintenance Diking District #3</b> ) <b>Project; Carpenter Creek, Sandy Creek,</b> ) <b>Johnson Creek, Fisher Creek, Hill Ditch,</b> ) <b>Fisher Slough, and Artificial Drainage</b> ) <b>Watercourses, Skagit County, Washington.</b>
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TO: Diking District #3  
 c/o David Olson  
 PO Box 324  
 Conway, WA 98238

This amendment is to the above-referenced Administrative Order approved and issued by the Department of Ecology (Ecology) on January 29, 2009.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order #6321 is hereby amended as follows:

**1. Condition E1 that reads:**

E1. This Order expires five (5) years from the date of issuance. A new 401 Certification must be obtained prior to expiration in order to continue drainage maintenance in Diking District #3 beyond five years.

**Is replaced with:**

E1. This Order expires September 24, 2014. A new 401 Certification must be obtained prior to expiration in order to continue drainage maintenance in Diking District #3.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

#### ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

#### CONTACT INFORMATION

Please direct all questions about this Order to:

Rebekah Padgett  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008  
(425) 649-7129  
[rebekah.padgett@ecy.wa.gov](mailto:rebekah.padgett@ecy.wa.gov)

#### MORE INFORMATION

**Pollution Control Hearings Board Website**  
[www.ecy.wa.gov/Boards\\_PCHB.aspx](http://www.ecy.wa.gov/Boards_PCHB.aspx)

**Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

**Chapter 371-08 WAC – Practice And Procedure**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

**Chapter 90.48 RCW – Water Pollution Control**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

**Chapter 173-204 WAC – Sediment Management Standards**

[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

**Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173200.html](http://www.ecy.wa.gov/biblio/wac173200.html)

**Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

**SIGNATURE**



Erik Stockdale, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

1-28-2014

[Date]